

2005 Assembly Bill 113

Date of enactment: **December 16, 2005**
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2005 WISCONSIN ACT 58

AN ACT *to amend* 134.71 (5) (a), 134.71 (5) (c), 134.71 (6), 134.71 (7) (a) 1., 134.71 (8) (c) 1., 134.71 (8) (c) 2., 134.71 (8) (d) 2. and 134.71 (8) (d) 3.; and *to create* 134.71 (1) (a) 12m. and 134.71 (8) (c) 3. of the statutes; **relating to:** licensure and record-keeping requirements for pawnbrokers and secondhand article and jewelry dealers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 134.71 (1) (a) 12m. of the statutes is created to read:

134.71 (1) (a) 12m. Video tapes or discs, audio tapes or discs, and other optical media.

SECTION 2. 134.71 (5) (a) of the statutes is amended to read:

134.71 (5) (a) The applicant's name, place and date of birth ~~and~~ residence address, and all states where the applicant has previously resided.

SECTION 3. 134.71 (5) (c) of the statutes is amended to read:

134.71 (5) (c) A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 5 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

SECTION 4. 134.71 (6) of the statutes is amended to read:

134.71 (6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of the county or municipality

shall investigate each applicant for a pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 5 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under sub. (5) (c) and, if so, the nature and date of the offense and the penalty assessed. The law enforcement agency shall furnish the information derived from that investigation in writing to the clerk of the municipality or county.

SECTION 5. 134.71 (7) (a) 1. of the statutes is amended to read:

134.71 (7) (a) 1. The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted within the preceding 10 years of a felony or within the preceding 5 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

SECTION 6. 134.71 (8) (c) 1. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form provided under sub. (12). No entry on such a form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction except as provided in par. (e), and during that period shall make the duplicate available to any law enforcement officer for inspection at any time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry dealer's principal place of business is open to the public or at any other reasonable time.

SECTION 7. 134.71 (8) (c) 2. of the statutes is amended to read:

134.71 (8) (c) 2. For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction, including the article's serial number and model number, if any. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction

except as provided in par. (e), and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any time that the secondhand article dealer's principal place of business is open to the public or at any other reasonable time.

SECTION 8. 134.71 (8) (c) 3. of the statutes is created to read:

134.71 (8) (c) 3. Every secondhand article dealer shall on a weekly basis prepare a list that contains the name and address of each customer of the secondhand article dealer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the secondhand article, including the secondhand article's serial number and model number, if any. The secondhand article dealer shall retain the list for not less than one year after the date on which the list was prepared. The secondhand article dealer shall make the list available to any law enforcement officer for inspection at any time that the secondhand article dealer's principal place of business is open to the public or at any other reasonable time.

SECTION 9. 134.71 (8) (d) 2. of the statutes is amended to read:

134.71 (8) (d) 2. Except as provided in subd. 5., any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than ~~40~~ 21 days after the date of purchase or receipt.

SECTION 10. 134.71 (8) (d) 3. of the statutes is amended to read:

134.71 (8) (d) 3. Except as provided in subd. 5., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than ~~45~~ 21 days after the date of purchase or receipt.